



10-20-05

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

|                      |                    |
|----------------------|--------------------|
| Application Number   | 10/655,543         |
| Filing Date          | September 3, 2003  |
| First Named Inventor | Donna Shattuck     |
| Group Art Unit       | 1634               |
| Examiner Name        | Sitton, Jehanne S. |

Total Number of Pages in This Submission

5

Attorney Docket Number

1312.03

**ENCLOSURES (check all that apply)**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Documents<br><input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers<br>(for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence<br>Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication<br>to Group<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Preliminary Amendment<br><input type="checkbox"/> Other Enclosure(s) (please<br>identify below): |
|---|---|--|

Remarks

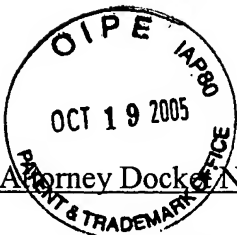
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                               |  |
|-------------------------------|--|
| Firm<br>or<br>Individual Name | HERBERT L. LEY, PH.D., REG. NO. 53,215 |
| Signature                     |  |
| Date                          | OCTOBER 19, 2005                       |

**CERTIFICATE OF EXPRESS MAIL**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Express Mail Label No. EV 600556948 US

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|-----------------------|-------------------|------|------------------|
| Typed or printed name | Stacey L. Stamper | Date | October 19, 2005 |
| Signature             |                   |      |                  |



Attorney Docket No. 1312.03

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                                    |   |                              |
|------------------------------------|---|------------------------------|
| Inventors: SHATTUCK, <i>et al.</i> | ) |                              |
| Serial No.: US 10/655,543          | ) | Group Art Unit: 1634         |
| Filed: September 3, 2003           | ) |                              |
| Title: OBESITY GENE AND            | ) | Examiner: Sitton, Jehanne S. |
| USE THEREOF                        | ) |                              |

CERTIFICATE OF EXPRESS MAIL

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Stacey L. Stamper  
Stacey L. Stamper

10/19/05  
Date

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement mailed September 26, 2005, Applicants provisionally elect claim group I (Claims 1-6, 10-11 and 13-14), for examination on merits, with traverse. Further, as required in Section 3 of the Restriction Requirement, Applicants provisionally elect, with traverse, the C373T nucleotide variant for examination on merits. Applicants note that, as indicated in the Restriction Requirement, elected claims 1, 2, 6 and 11 will not be limited to the elected variant since these claims are considered to link the inventions directed to different nucleotide variants. Thus, should claims 1, 2, 6 and 11 be found allowable, the secondary restriction requirement between different variants will be withdrawn and all variants disclosed would be examined on the merits.